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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

MAY - 7 1992

Federal Communications Commission  
Office of the Secretary

In the Matter of

Amendment of Section 73.202(b),  
Table of Allotments,  
FM Broadcast Stations  
(Sun City, Arizona)

RM-7940  
MM Docket No. 92-66

To: The Commission

COMMENTS OF RESOURCE MEDIA, INC.

Resource Media, Inc. ("RMI"), by its attorneys and pursuant to Section 1.420 of the FCC's rules, hereby submits its comments on the Notice of Proposed Rulemaking ("Notice") in the above-referenced docket released by the FCC on April 8, 1992. This Notice put forth for comment the request of RMI, licensee of Radio Station KONC-FM, Channel 292A, Sun City, Arizona, to substitute Channel 292C-2 for Channel 292A and modify the license of KONC-FM accordingly.

RMI hereby incorporates by reference its petition (the "Petition") for rulemaking filed with the FCC on September 4, 1991. In addition, RMI states its intention to apply for Channel 292C-2 if allotted to Sun City and if a construction permit is granted, RMI will promptly construct a modified facility.

RMI also responds herein to the FCC's concern that RMI's proposal contains a 70 dBu contour which would not encompass the city of license from the proposed site. The

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FCC staff's conclusion that such city-grade coverage would not be provided appears to be based on an inaccurate figure for the site's ground elevation, derived from a topographic data base rather than a topographic map. See Digitized Terrain Data (HAAT Calculations), 57 R.R.2d 415, 416 (1984) ("[T]he accuracy of any single point [derived from a data base] may be in substantial error. For this reason, we will continue to require that elevations of individual antenna sites be obtained manually using appropriate topographic maps."). Since this figure is incorrect, the resulting analysis is also incorrect. Instead, as demonstrated in the Engineering Statement attached to the Petition and in the Engineering Statement attached hereto, the RMI proposal will provide a city-grade signal over Sun City in compliance with the method discussed in Woodstock and Broadway, Virginia, 3 FCC Rcd 6398 (1988). In addition, RMI has received FAA approval for a tower at 185 meters above ground level at the proposed site (FAA Study No. 90-AWP-1280-OE, dated August 27, 1991). No new FAA clearance is therefore required.

RMI also respectfully urges the FCC to act upon its proposal in an expedited fashion since KONC-FM has been operating since December 1990 under a special temporary authority ("STA") at a temporary site due to a court order forcing the licensee to vacate its prior authorized site. The STA contains the condition that operation at the temporary

site must cease upon grant of program test authority to the permittee of Channel 290A at Paradise Valley, Arizona (Docket No. 88-410). A construction permit was issued in the Paradise Valley proceeding but the decision of the Review Board (December 1991) has been appealed to the Commission, thereby staying the effectiveness of the Review Board's decision pursuant to Section 1.102(a) of the Commission's Rules. However, a Commission decision will be effective upon public notice of the decision, even if a petition for reconsideration or judicial appeal is filed. See Sections 1.103 and 1.106(n) of the Commission's Rules. Accordingly, RMI anticipates a decision in the third or fourth quarter of 1992 that would allow construction by the Paradise Valley permittee to commence. RMI is well aware that it cannot operate from its temporary site indefinitely; hence, it asks for expedited processing of this rulemaking so that, if the channel upgrade is granted, RMI can begin construction of its new facility at its permanent site immediately.

For all of the reasons given in its Petition and herein, RMI respectfully requests the FCC to institute a rulemaking proposing the substitution of Channel 292C-2 for

Channel 292A at Sun City and the modification of the license  
of KONC-FM accordingly.

Respectfully submitted,  
RESOURCE MEDIA, INC.

By:           *Thomas J. Hutton*            
Thomas J. Hutton  
Nancy L. Wolf

Its Counsel

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Washington, D.C. 20037

May 7, 1992

TECHNICAL EXHIBIT  
IN SUPPORT OF REPLY COMMENTS  
TO MM DOCKET NO. 92-66  
RESOURCE MEDIA, INC.  
RADIO STATION KONC-FM  
SUN CITY, ARIZONA

Technical Narrative

This technical exhibit has been prepared on behalf of Resource Media, Inc. (petitioner), licensee of FM station KONC-FM, Sun City, Arizona, to provide additional information requested in the Notice of Proposed Rule Making (NPRM) concerning MM Docket No. 92-66. In the NPRM, the Commission raises issue with the petitioner questioning its ability to provide Sun City with the requisite 70 dBu coverage based on an analysis performed by the staff. As detailed in the NPRM, the analysis suggests the ground elevation at the proposed transmitter site is 682 meters above mean sea level. The staff's analysis is technically flawed, as it relies on a ground elevation which was apparently determined from a topographical terrain database. The assumed elevation is considerably less than the ground elevation employed in the petitioner's technical showing of 753.5 meters above mean sea level.

In GEN Docket No. 84-705 (FCC 84-594), the Commission determined that topographical terrain databases are to be used only in the calculation of antenna heights above average terrain and that the elevation of an

individual site be determined by topographical map.<sup>1</sup> The ground elevation employed in the petitioner's technical showing was obtained from a U.S.G.S. 7.5 minute topographical map. A copy of the map employed is included herein as Figure 1.

The staff engineering analysis determined that it would be necessary for KONC-FM to employ maximum Class C2 facilities from the proposed site to encompass Sun City within the 70 dBu contour. Based on the average terrain elevation at the proposed site (779 meters), an antenna radiation center height above mean sea level of 929 meters is required ( $779 + 150 = 929$ ). The study concludes, assuming a ground elevation at the proposed site of 682 meters, the antenna height would have to be 247 meters above ground level ( $682 + 247 = 929$ ).

The Commission's findings agree with the petitioner's technical showing with respect to the antenna radiation center height above mean sea level required to achieve maximum Class C2 facilities. However, from that point, the site elevation assumed by the staff provides erroneous results. Based on the site elevation employed in the petitioner's technical exhibit, obtained from a topographic map (753.5 meters), an antenna height above ground level of 175.9 meters is necessary to achieve the proposed radiation center height above mean sea level of 929.4 meters ( $753.5 + 175.9 = 929.4$ ). The radiation center antenna height as determined by the Commission exceeds the proposed radiation center height by

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<sup>1</sup>See Digitized Terrain Data (HAAT Calculations), 57 RR2d 415, 416 (1984).

approximately 71 meters, or by the difference between the site elevation obtained from a topographic map verses the site elevation obtained from the terrain database (753.5 - 682 = 71.5).

KONC-FM has FAA clearance for the tower height necessary to accommodate the proposed facility. The tower height authorized in FAA Study No. 90-AWP-1280-OE (185.0 meters above ground level, 938.5 meters above mean sea level) is sufficient to allow mounting of a 6-bay antenna at the required radiation center height above ground level of 175.9 meters. Therefore, additional clearance for the tower height indicated in the NPRM (247 meters above ground level) is not required.

In conclusion, the petitioner has demonstrated its ability to provide minimum 70 dBu coverage to all of Sun City from the proposed site in full compliance with 47 CFR 73.215 and, thus, further evidence of FAA clearance need not be submitted.

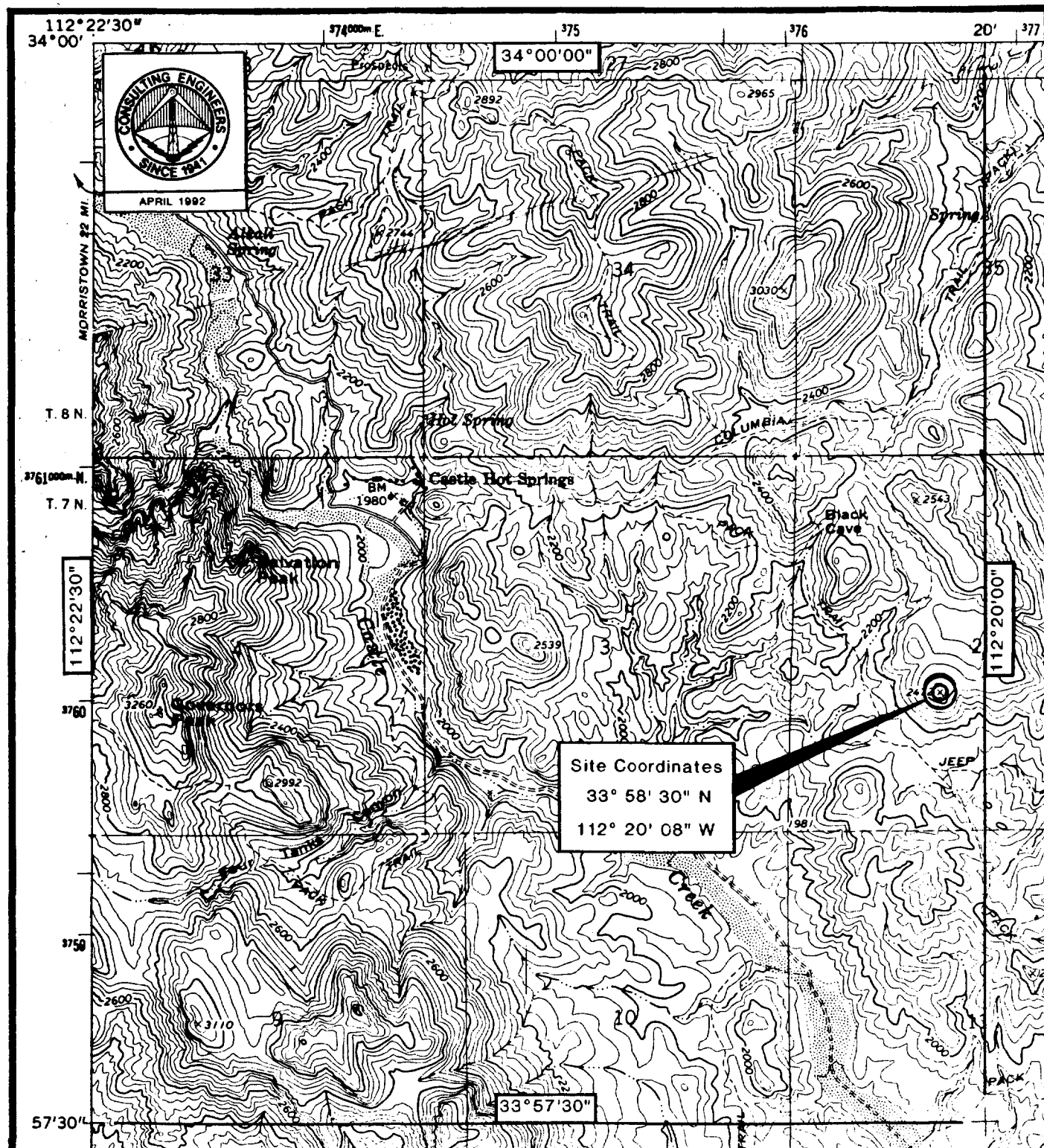


James D. Sadler

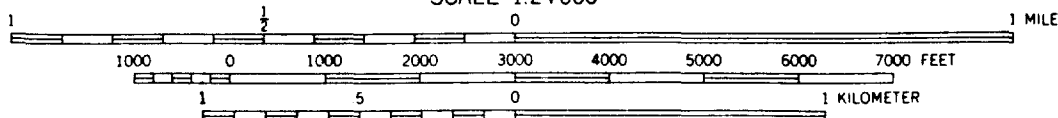
du Treil, Lundin & Rackley, Inc.  
1019 19th Street, N.W., 3rd Floor  
Washington, D.C. 20036  
(202) 223-6700

April 28, 1992

### Figure 1



SCALE 1:24 000



## PROPOSED TRANSMITTER LOCATION

Prepared for RESOURCE MEDIA, INC.

du Treil, Lundin & Rackley, Inc.      Washington, D.C.



**CERTIFICATE OF SERVICE**

I, Tammi A. Foxwell, a secretary at the law firm of Dow, Lohnes & Albertson, do hereby certify that on this 7th day of May, 1992, I have had hand delivered the foregoing "COMMENTS OF RESOURCE MEDIA, INC." to the following:

Mr. Michael Ruger  
Acting Chief, Allocations Branch  
Federal Communications Commission  
2025 M Street, N.W., Room 8318  
Washington, D.C. 20554

Ms. Nancy Joyner  
Allocations Branch  
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Tammi A. Foxwell